

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ZAKARIA JDAHIM & ABDELHAMID  
MOHAMMED ISLAM AHMED,

Plaintiffs,

-v-

A1 ACCESSIBLE TRANSPORTATION, LLC  
ET AL.,

Defendants.

23 Civ. 6509 (PAE)

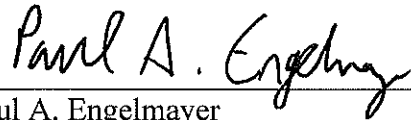
ORDER

PAUL A. ENGELMAYER, District Judge:

On March 7, 2024, the parties submitted a settlement agreement (“Agreement”), Dkt. 24, in this Fair Labor Standards Act (“FLSA”) and New York Labor Law action. In the Agreement, plaintiffs Zakari Jdahim (“Jdahim”) and Abdelhamid Mohammed Islam Ahmed (“Ahmed”) accepted an offer of judgment from defendants pursuant to Federal Rule of Civil Procedure 68. Typically, in a FLSA action, parties cannot privately settle FLSA claims with prejudice absent the approval of the district court or the Department of Labor. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 200 (2d Cir. 2015). However, the Second Circuit in *Mei Xing Yu v. Hasaki Restaurant, Inc.*, 944 F.3d 395, 398 (2d Cir. 2019), held that “judicial approval is not required of Rule 68(a) offers of judgment settling FLSA claims.” *See id.* (reversing *sua sponte* district court order to submit settlement agreement to court for fairness review under *Cheeks* and judicial approval). In *Mei Xing Yu*, the Court explained that “Rule 68(a)’s command that the clerk *must* enter judgment is mandatory and absolute,” *id.* at 400, concluding that “judicial approval is not required of Rule 68(a) offers of judgment settling FLSA claims,” *id.* at 414. Because plaintiffs in this case accepted a Rule 68 offer of judgment, the Court will not conduct a

*Cheeks* review. By separate order, the Court will so-order the parties' proposed judgment. *See, e.g., Miranda v. Grace Farms, Inc.*, No. 16-CV-1369 (VSB), 2024 WL 36798, at \*1 (S.D.N.Y. Jan. 3, 2024) ("[T]he Second Circuit's subsequent decision *Mei Xing Yu v. Hasaki Rest., Inc.*, 944 F.3d 395 (2d Cir. 2019) compels me to sign the proposed judgment."); *De Jesus Torres v. HWF Realty Mgmt., Inc.*, No. 18 Civ. 994 (PAC), 2020 WL 995861, at \*2 (S.D.N.Y. Mar. 2, 2020) (same).

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer", written over a horizontal line.

Paul A. Engelmayer  
United States District Judge

Dated: March 14, 2024  
New York, New York